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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,361	08/28/2003	Junji Kido	2204-031579	7655
28289	7590	08/23/2006		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER YAMNITZKY, MARIE ROSE	
			ART UNIT 1774	PAPER NUMBER

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,361

Applicant(s)

KIDO ET AL.

Examiner

Marie R. Yamnitzky

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-11,13,14,16,17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-27 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-11,13,14,16,17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This Office action is in response to applicant's amendment received June 05, 2006, which amends the specification, amends claims 1, 3, 9, 11, 16 and 17, cancels claims 4, 8, 12, 15 and 18, and adds claims 25-27.

This Office action is also in response to the certified translation of applicant's foreign priority application JP 2000-128766 (04/28/2000). The certified translation was also received June 05, 2006.

Claims 1-3, 5-7, 9-11, 13, 14, 16, 17 and 19-27 are pending.

2. Claims 20-24 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 02, 2005.

3. The rejection under 35 U.S.C. 112, 2nd paragraph, as set forth in the Office action mailed February 27, 2006, is partly rendered moot by claim cancellation and otherwise overcome by claim amendment.

The rejection under 35 U.S.C. 102(a) based on Lupo et al. (WO 00/36660 A1) is withdrawn in consideration of the certified translation of applicant's foreign priority application.

The rejection under 35 U.S.C. 102(e) based on Okada et al. (US 6,858,271 B1) is withdrawn in consideration of the certified translation of applicant's foreign priority application.

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4. Claims 1-3, 5-7, 9-11, 13, 14, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language in independent claims 1, 9 and 16 regarding a substrate and a polarizing plate is confusing. Based on the claim language, the substrate is not a component of the claimed display device (the display device is laid on a surface of a substrate), but the polarizing plate laid on the other surface of the substrate is part of the claimed display device. It is not clear how the organic electroluminescent display device can comprise the polarizing plate if the substrate lies between the display device and the polarizing plate. Clarification is required.

Proper antecedent basis is lacking for “the other surface” of the substrate as recited in claims 1, 9 and 16.

Proper antecedent basis is lacking for “the substrate” as recited in line 6 of claim 9. In line 5 of claim 9, “substance” should apparently read --substrate--, which would provide antecedent basis for line 6’s “the substrate”.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 9, 10, 13, 14, 16, 17 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hikmet et al. (US 5,748,271) for reasons of record as set forth in the Office action mailed February 27, 2006 and the additional reasons set forth below with respect to claim 9 and dependents.

Claim 9, with claims 10, 13, 14, 16 and 17 dependent therefrom, has been amended to require that the organic electroluminescent display device be laid on a surface of a substance (substrate), with a polarizing plate laid on the other surface of the substrate. At c. 5, l. 50-58, Hikmet et al. teach using the EL device as a back light for a liquid-crystal display device so that one of the polarization filters of the liquid-crystal display can be dispensed with. The teaching that “one” of the polarization filters can be dispensed with implies that a polarization filter is retained. It is the examiner’s position that components of the liquid-crystal display positioned between the retained polarization filter and the EL device meet the limitations of the substance (substrate) required by claim 9 and dependents, and the retained polarization filter meets the limitations of the polarizing plate required by claim 9 and dependents.

Claim 9 has also been amended to include language regarding the voltage at which the display device is driven as a liquid crystal display device or driven as an electroluminescent display device. The term “or” continues to be used in the claim language pertaining to how the claimed device is driven. The prior art meets the claim limitation for driving the device as an electroluminescent display device.

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7. Claim 19 stands rejected under 35 U.S.C. 102(e) as being anticipated by Hanna et al. (US 6,218,061 B1) for reasons of record as set forth in the Office action mailed February 27, 2006.

8. Applicant's arguments filed June 05, 2006 have been fully considered but they are not persuasive with respect to the prior art rejections maintained in this Office action.

Applicant's arguments regarding operation of the claimed device as both an electroluminescent device and a liquid crystal device are not persuasive because of the use of the term "or" in the claim language pertaining to how the claimed device is driven. None of the pending claims require the device to be driven as an electroluminescent device and a liquid crystal device. Instead, the claims require the display device to be driven as a liquid crystal display device or as an electroluminescent display device. Emphasis added.

9. Claims 25-27 are allowed.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 6:30 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and every other Wednesday from 6:30 a.m. to 3:00 p.m.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY
August 21, 2006

Marie R. Yamnitzky
MARIE YAMNITZKY
PRIMARY EXAMINER
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